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**Via FAX: 888-818-6431**  
August 25, 2016

Daniel Booth, Esq.  
Booth & McCarthy  
PO Box 4669  
Bridgeport, WV 26330

Re: Vernon V. Franklin III  
In the United States Bankruptcy Court  
For the Northern District of West Virginia  
Case Number 3:16-bk-00871

Re: Credit Acceptance Corporation  
vs. Vernon V. Franklin  
In the Circuit Court of Morgan County, West Virginia  
Case Number: 15-C-68

Dear Mr. Booth :

Enclosed please find a Suggestion of Bankruptcy in the above referenced case.

Prior to the filing of Mr. Franklin's case, the following sums were garnished from Mr. Franklin's wages:

Date	Amount
June 16, 2016	\$118.16
June 23, 2016	\$127.02
June 30, 2016	\$118.16
July 7, 2016	\$118.16
July 14, 2016	\$82.71
July 21, 2016	\$118.16
July 28, 2016	\$153.61

August 4, 2016	\$118.16
August 11, 2016	\$153.61
August 18, 2016	<u>\$143.28</u>
	\$1252.03

These pre-petition wage garnishments paid to Credit Acceptance constitute a preference in violation of 11 U.S.C. §547(b). In addition, there are likely post-petition wage garnishments which would also need to be returned to the debtor. Please advise Credit Acceptance of their responsibilities under the United States Bankruptcy Code, and the possible consequences of their failure to do so. I would also ask that Credit Acceptance notify Mr. Franklin's employer, Asplundh Tree Expert Company, that the wage garnishment must be discontinued immediately.

Please contact me if you have any questions or if I can be of assistance to you in any way.

Thank you for your attention to this matter.

Very truly yours,



Brian J. McAuliffe

BJM:ldt  
Encl. As stated  
cc: Vernon Franklin III

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August 25, 2016

Kimberly J Hanback, Circuit Clerk  
Morgan County Circuit Court  
77 Fairfax Street, Room 302  
Berkeley Springs, WV 25411

Re: Credit Acceptance Corporation v. Vernon V. Franklin  
Case No: 15-C-68

Dear Ms. Hanback:

Enclosed please find Suggestion of Bankruptcy in the above entitled matter. Please file same. Thank you for your attention to this matter.

Very truly yours,



Brian J. McAuliffe

BJM:pac  
Encl.

cc: Daniel Booth, Esq. of Booth & McCarthy  
Vernon Franklin III

IN THE CIRCUIT COURT OF MORGAN COUNTY, WEST VIRGINIA

Credit Acceptance Corporation

Plaintiff.

vs.

Case No. 15-C-68

Vernon V. Franklin

Defendant.

**SUGGESTION OF BANKRUPTCY**

Comes now the above entitled Defendant, Vernon Franklin III, by the undersigned counsel, and states:

The above Defendant does hereby suggest upon the record of this Court that he has filed a Voluntary Petition in the United States Bankruptcy Court for the Northern District of West Virginia pursuant to Chapter 7 of the United States Bankruptcy Code. The case name and file number of that Bankruptcy case is:

In Re: Franklin III, Vernon  
Case No: 3:16-bk-00871

Please note that a Notice of Commencement of Case is attached and incorporated herein. Your attention is directed to the paragraph entitled: "CREDITORS MAY NOT TAKE CERTAIN ACTIONS."

This is for information purposes only and does not constitute an appearance by the undersigned.

Dated: August 25, 2016

Vernon Franklin III

By counsel



Brian J. McAuliffe, Esq.

Attorney At Law

West Virginia Bar No. 6282

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Martinsburg, WV 25401

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**CERTIFICATE OF SERVICE**

I, Brian J. McAuliffe, Counsel for Defendant herein, hereby certify that on August 25, 2016, I served the within Suggestion of Bankruptcy on all of the parties to the within action by mailing a true copy thereof, postage prepaid to all counsel of record or the party directly if unrepresented, addressed as follows:

Daniel Booth, Esq.  
Booth & McCarthy  
PO Box 4669  
Bridgeport, WV 26330



Brian J. McAuliffe

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